



AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-33765 - APPLICANT/OWNER: BASHIR AFZALI

**** CONDITIONS ****

The Planning Commission (5-1/se vote) and staff recommend APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for Rezoning from R-E (Residence Estates) to C-1 (Limited Commercial) on 0.58 acres on the east side of Martin L. King Boulevard, approximately 500 feet north of Washington Avenue. Staff is recommending approval of the Rezoning request as the subject site is located along a 100-foot Primary Arterial within an area that has a C (Commercial) General Plan land use designation, and is already in the process of transition from residential to commercial uses. The proposed C-1 (Limited Commercial) zoning district is consistent with the existing land use designation, and will provide a buffer between a busy arterial street and existing residential neighborhoods to the east.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/01/04	The City Council approved a request for Rezoning (ZON-5222) from R-E (Residence Estates) to C-1 (Limited Commercial) on 0.58 acres located between 1000-1100 Martin L. King Boulevard. The Planning Commission recommended approval. The Resolution of Intent expired on 12/01/06.
12/01/04	The City Council denied requests for a Site Development Plan Review (SDR-5223) with a Waiver of perimeter buffering and landscaping standards and a Special Use Permit (SUP-5225) for a proposed Smog Check and Car Wash, Self Service on 0.58 acres located between 1000-1100 Martin L. King Boulevard. The Planning Commission recommended approval.
07/09/09	<p>The Planning Commission recommended denial of companion item VAR-34539 and SDR-34540 concurrently with this application.</p> <p>The Planning Commission voted 5-1/se to recommend APPROVAL (PC Agenda Item #16/sg).</p>

<i>Related Building Permits/Business Licenses</i>
There are no related building permits or business licenses associated with the subject site.

<i>Pre-Application Meeting</i>	
12/16/08	<p>A pre-application meeting was held to discuss the submittal requirements for a Rezoning and Site Development Plan Review and Variances:</p> <ul style="list-style-type: none">• Required setbacks, Residential Adjacency issues and parking requirements.• Perimeter landscape buffer Waivers required.• Parking lot landscaping Exceptions required.• Preference for a single driveway, with required throat depth.

Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this request.	

Field Check	
03/19/09	A field check was conducted by staff. The subject site is an undeveloped parcel. There is an unpermitted chain link fence along the front of the lot, as well as some debris.

Details of Application Request	
Site Area	
Gross Acres	0.58 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	C (Commercial)	R-E (Residence Estates) [Proposed: C-1 Limited Commercial)]
North	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
South	Retail Shops	C (Commercial)	C-1 (Limited Commercial)
East	Single-Family Residence	C (Commercial)	R-E (Residence Estates)
West	Single-Family Residences	R (Rural Density Residential)	R-E (Residence Estates)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
West Las Vegas Plan	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District (140 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	25,164 SF	Y
Min. Lot Width	100 Feet	190 Feet	Y

ANALYSIS

This is a request for Rezoning from R-E (Residence Estates) to C-1 (Limited Commercial) on 0.58 acres on the east side of Martin L. King Boulevard, approximately 500 feet north of Washington Avenue. A previous Rezoning (ZON-5222) to C-1 (Limited Commercial) was approved on 12/01/04, but the Resolution of Intent was allowed to expire after two years. The subject site is within a Rural Preservation Overlay District buffer area. The east side of Martin L. King Boulevard has a General Plan designation of C (Commercial), and falls within the Las Vegas Redevelopment Plan area. In addition, Martin L. King Boulevard is in the process of being widened to 100 feet, which meets the Title 19.06.150(B)(2) exception to maintaining the rural character of the area. These growth and development factors provide cause for this request for a greater intensity of use to be considered for approval pursuant to Title 19.06.150(C). Staff is recommending approval of this request as the subject site is located along a 100-foot Primary Arterial within an area that has a C (Commercial) General Plan land use designation, and is already in the process of transition from residential to commercial use. The proposed C-1 (Limited Commercial) zoning district is consistent with the existing land use designation, and will provide a buffer between a busy arterial street and existing residential neighborhoods to the east.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

The proposed C-1 (Limited Commercial) zoning district is consistent with the C (Commercial) General Plan land use designation.

2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."

The uses allowed by the C-1 (Limited Commercial) zoning district are compatible with the surrounding land uses and zoning districts, and will provide a buffer between a busy arterial street and existing residential neighborhoods to the east.

3. "Growth and development factors in the community indicate the need for or appropriateness of the rezoning."

The area along Martin L. King Boulevard where the subject site is located is in the process of transition from residential uses to more intense commercial uses; therefore, the request for Rezoning is appropriate.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The site is accessed by a single driveway to Martin L. King Boulevard, which is designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways, and will have no direct access to the adjacent residential neighborhoods. It is adequate in size to meet the requirements of the C-1 (Limited Commercial) zoning district.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 157 by City Clerk

APPROVALS 3

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